REMARKS

Claims 1-11 are currently pending in the present application. Claims 1, 3-5 and 8-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gibbs (U.S. Patent No. 5,836,529) ("Gibbs") in view of Good (U.S. Patent No. 6,477,452) ("Good"). Claims 2 and 6-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gibbs in view of Good, and further in view of Jarrett (U.S. Patent No. 6,345,257) ("Jarrett"). By way of the present amendment, claim 1 has been amended to more clearly define the invention and reorganize the claim to improve its clarity. The amendment was not made previously due to Applicants' belief that the claims in their previous form were in condition for allowance. In view of the Examiner Interview of November 20, 2008, this amendment is necessary to clarify the step associated with the data entry system automatically assigning a disposition of the rail equipment. Reconsideration of claims 1-11 and entry of the current amendment is respectfully requested because Applicants' respectfully submit that the current amendment and supporting remarks place the application in condition for allowance. In the alternative, Applicants' respectfully request entry of the current amendment because the current amendment places the claims in better form for consideration on appeal under 37 C.F.R. 1.116(b)(2).

The Examiner is again kindly thanked for the Interview conducted November 20, 2008. In light of the Interview, this response is being filed to more clearly define the invention and Applicants respectfully submit that the current amendment places the application in condition for allowance. In the present invention, a data entry system: (1) calculates an overall damage condition of the rail equipment from information input into the system; and (2) automatically assigns a disposition of the rail equipment based on the calculation of the overall damage condition. As discussed with the Examiner, both Gibbs and Good, taken alone or in combination, fail to disclose automatically assigning, by the data entry system, one of a plurality

of dispositions to the rail equipment based on the overall damage condition of the rail equipment that is <u>calculated from the information input into the data entry system</u>, as provided in amended claim 1. Gibbs, as acknowledged by the Examiner, fails to disclose, automatically assigning, by the data entry system, one of the dispositions to the rail equipment. To cure the deficiency of Gibbs, the Examiner relies on Good for this feature.

Good discloses a method and system for managing a vehicle fleet to predict the availability of a vehicle. Good discloses a local communications terminal 103 which is preferably located at a repair and service station having responsibility for repairing vehicles and providing routine service and maintenance. See Col. 3, ll. 25-29. At the time of service of a vehicle, Good discloses a user creating a service event notification by logging vehicle repair and service information using local communications terminal 103. One or more service event notifications comprise a vehicle service status file, or in other words, a vehicle service status file is comprised of one or more service even notifications. See Col. 5, ll. 55-67. The vehicle service status file is then uploaded periodically to a regional communications terminal 102 where personnel at the regional location use the service status file to manage reservations of vehicles. See Col. 7, ll. 10-50.

Good does not disclose <u>automatically assigning, by the data entry system, one of a plurality of dispositions to the rail equipment</u> based on the overall damage condition of the rail equipment that is <u>calculated from the information input into the data entry system</u>. Rather, Good discloses a user, such as a service professional, entering vehicle repair information, including, for example, type-of-service-required information. See Col. 5, ll. 55-66. Thus, Good teaches, at most, that a person determines a disposition to the vehicle and enters that determination into a system. In any event, there is no disclosure in Good of the <u>data entry system automatically</u>
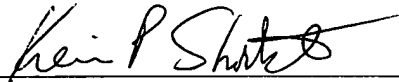
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assigning a disposition based on the overall damage condition of the rail equipment calculated from the information input into the data entry system. As a result, Applicants respectfully request withdrawal of the above rejections. Accordingly, Applicants respectfully submit that claim 1 is allowable over the prior art made of record. Additionally, claims 2-11 depend on claim 1, and include all of its limitations; therefore, for the above reasons, Applicants respectfully request withdrawal of the above rejections and respectfully submit that claims 2-11 are also allowable over the prior art made of record.

CONCLUSION

In light of the Examiner Interview, Amendments, and Remarks herein, Applicants submit that the rejections have been overcome, and respectfully request the Examiner withdraw the rejections. Furthermore, Applicants respectfully submit that the claims are in condition for allowance and respectfully request a notice to this effect. Should the Examiner have any questions, she is invited to call the undersigned attorney at (312) 984-3361.

Respectfully submitted,

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